

DTSC Export Summary

December 5, 2003 Workgroup Meeting December 11, 2003 Stakeholder Workshop Breakout Session

Note: Every attempt was made to capture speakers' key points and comments. Additional stakeholder export comments or clarification of export comments below may be made by contacting ewaste@calepa.ca.gov

Joint Stakeholders and DTSC Comments:

1. Export provisions for covered electronic wastes apply to all persons exporting, not just those persons seeking reimbursement for recycling covered electronic wastes.
2. 60 day export notification begins on the date that statute becomes effective, January 1, 2004.
3. Volume notification may include a variety of measurements; i.e., tons, cubic feet, number of units, etc. To achieve consistent volume reporting, regulations would be needed.
4. Guidance, which may include a checklist, is recommended until regulations may be adopted since provisions for exports become effective January 1, 2004. Suggestions for checklists included contract audits, ISO 14000, and guidance for environmental sound management of electronic waste from OECD.

Stakeholder Comments:

1. Provision for notification at least 60 days prior to export may be interpreted as once a year notification with amendments as needed if there are changes in the original export notification. This is consistent with Title 22 hazardous waste requirements.
2. The destination should include more than the country, such as the facility.
3. Notification of proprietary information is a concern to exporters. However, if DTSC honors the proprietary information, exporters' concerns may be alleviated.
4. New rules for international shipments may impact exports of covered electronic wastes from Institute of Transport Administration and weapons of mass destruction beginning January 2004.
5. Export requirements shall apply to shipments out of California and into other states for purposes of consolidation or business decisions that are ultimately exported.
6. Demonstrations may include universal standards applicable to all countries or individual country demonstration requirements depending on the information DTSC receives on import/export requirements.
7. If the United States has not ratified the BASEL agreement (assuming this is equivalent to international law), then the export demonstration in accordance to international law is not applicable.
8. OECD has established voluntary waste management guidelines applicable only in OECD countries. These waste management guidelines may not be considered equivalent to "rules, standards, and requirements" as used in SB 20.

Discussions involving statutory changes are not noted in this summary.
Some of the interpretative comments made will require legal review.

9. Using export contracts and contract audits performed by auditor would be appropriate for exporters to demonstrate compliance with exporting provisions.
10. "Good faith effort" to demonstrate that importation of covered electronic waste is not prohibited by any applicable law or regulation of the country of destination should be sufficient; proving a "negative" can be overly burdensome.
11. Self certifications only are not sufficient to make export demonstrations; information to verify self certifications would be necessary.
12. Regarding the demonstration requirement that exportation is conducted in accordance to international law, the workgroup is not aware of any export international laws, but there are international treaties and agreements regarding exports. There is a question whether an international treaty would be considered an international law.
13. Regarding the demonstration that covered electronic waste is exported for purposes of reuse or recycling – the provisions of Title 22 hazardous waste exports would be sufficient to meet this demonstration. However, other comments indicated that a stronger demonstration or verification of the demonstration is needed. An audit process may be added to this demonstration to provide a stronger demonstration.
14. A question whether the cullet from CRTs would be subject to the export notification and demonstration requirements was raised.

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